

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID**

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

LA.App..No. 696 of 2006(D)

LAR.75/1995 OF ADDL.SUB COURT,KOLLAM
.....

APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENTS: CLAIMANTS

**1. ARULAPPAN MICHAEL A.CRUZ,
PANAYIL VEEDU, KOTTAPPURAM WEST, KALLADA
REP.BY POWER OF ATTORNEY HOLDER.**

**2. SUJA MICHAEL,
PANAYIL VEEDU, KOTTAPPURAM WEST,
KALLADA.**

BY ADV. SRI.B.KRISHNA MANI FOR R2

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON IA NO. 4121/2006 IN L.A.A NO. 696/2006 D.

DISMISSED

22/10/2007.

SD/- KURIAN JOSEPH, JUDGE.
SD/- HARUN-UL-RASHID, JUDGE.

True copy

tga

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.696 of 2006-D

Dated: October 22, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed by the State against the judgment and decree in LAR No.75/1995 on the file of the Additional Sub Court, Kollam. The acquisition is for railways. The Land Acquisition Officer fixed the land value at Rs.6951/- per Are on the basis of the evidence - Ext.A1. A further enhancement to the tune of Rs.5399/- per Are has been granted by the Reference Court. It is seen from the judgment that the property covered by Ext.A1 and the acquired property are similar and similarly situated. The learned Government Pleader submits that the finding is without any basis since there is no independent evidence. But it is seen from the judgment itself that "there is no serious challenge to the evidence let in by the claimant to the effect that the land acquired and Ext.A1 land are similar and similarly situated". In view of the unchallenged evidence of the claimant regarding the similarity of the acquired property with Ext.A1 property, we find no merit in the appeal. Accordingly the appeal is dismissed.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE.**

mt/-